REMARKS

This application has been carefully reviewed in light of the Office Action dated June 16, 2010. Claims 1, 6 and 11 are the only independent claims, each having been amended. Support for amended claims 1, 6 and 11 can be found in the specification at least on page 3, lines 1-21. Claims 5, 9 and 14 have been cancelled without prejudice. Reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the amendments and remarks made herein.

Claims 1-5 stand rejected under 35 U.S.C 101 as it is alleged they are directed to non-statutory subject matter. Applicants respectfully disagree; nevertheless, in the interest of furthering prosecution claim 1 has been amended to more particularly point out the subject matter of the invention and is believed to be wholly contained in one of the four statutory classes, e.g. a video processing system. Claim 1 now recites: A method of multiple description channel coding of video data using forward error correction, the method comprising the steps of: in a video processing system,... Applicants respectfully submit claim 1 is clearly within one statutory class e.g. as it transforms underlying subject matter (the video data) and is positively tied to another statutory category (a video processing system) that accomplishes the claimed method steps, and therefore qualifies as a statutory process. The other claims are believed statutory for the same reasons. Accordingly applicants respectfully submit that claims 1-5 fully comply with 35 U.S.C 101.

Claims 1-5 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In response, claims 1 and 2 have been amended to more particularly point out the subject matter of the invention. Accordingly, applicants respectfully submit that claims 1-5 now fully comply with 35 U.S.C 112, second paragraph.

Claims 1-15 stand rejected under 35 USC 102(a) as being anticipated by Puri et al. (NPL Forward Error...Multicast). Although, applicants respectfully disagree, in the interest of furthering prosecution, claim 1 has been amended to recite the limitations of "wherein the plurality of equal priority partitions is comprised of partitions generated from the base and enhancement layer bitstreams and a forward error correction (FEC) code according to predetermined criteria and allowing a fractional number of descriptions." Independent claims 6 and 11 have been amended to recite similar features. Applicants can find nothing in Puri that teaches the above limitations, as further noted below.

Claim 1 recites the step of converting the base layer bitstream and the enhancement layer bitstream into *a plurality of equal priority descriptions*. For example, the application description explains how one description is made of some equal priority partitions p0....Pi. These equal-priority partitions can be generated easily by alternatively skipping the bit plane for certain blocks with the partitions being orthogonal to each other and having equal priority (see description, page 7 lines 5-10). However, Puri describes that a layer is split into equal parts: "we split the ith layer into i equal parts, and apply the (N, i, N- i + 1)" (see description, page 748, left-hand col. lines 13-15). This means that

the ith layer must contain a number of source symbols that is *an integral multiple of i,* which is contrary to what is claimed in claim 1. Importantly, it follows from "converting the base layer bitstream and the enhancement layer bitstream into a plurality of equal priority descriptions" that "fractional number of descriptions" are allowed, but the claim has been further amended to recite this further limitation.

Additionally, from the claim 1 feature of converting the base layer bitstream and the enhancement layer bitstream into a plurality of equal priority descriptions, it so follows that the reconstructed video is drift-free as long as the decoder always receives at least one arbitrary description (see description, page 6 lines 23-31, and page 7 lines 24-29). In Puri, the method to encode is MD-FEC. With MD-FEC, loss of one or more descriptions may introduce temporal prediction drift due to the mismatch of the references used during encoding and decoding (see description, page 2 lines 24-30). However, as mentioned previously, claim 1 uses a multi-layered scalable-coding scheme to achieve drift-free fractional MD channel coding.

With regard to claims 2-4, 7-8, 10, 12-13 and 15 these claims depend from the independent claim discussed above, which have been shown to be allowable in view of the cited reference. Accordingly, each of claims 2-4, 7-8, 10, 12-13 and 15 are also allowable by virtue of its dependence from an allowable base claim.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections

and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the foregoing, it is respectfully submitted that the currently-pending claims, as herein amended, clearly define statutory subject matter. Accordingly, allowance of the currently-pending claims is now respectfully submitted to be justified, and favorable consideration is earnestly solicited.

Respectfully submitted,

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